

Chapter 12

ENVIRONMENT*

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***Cross references**—Animals, ch. 4; buildings and building regulations, ch. 6; unsafe buildings, § 6-141 et seq.; manufactured homes and trailers, ch. 16; parks and recreation, ch. 18; planning and development, ch. 20; solid waste, ch. 22; subdivisions, ch. 24; zoning, ch. 28.

ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE**Sec. 12-31. Purpose and statutory authority of article.**

The purpose of this article is to regulate, restrict or prohibit production or omission of noises or amplified speech, music or other sounds that tend to annoy, disturb or frighten citizens in the unincorporated areas of the county. This article is adopted pursuant to the authority contained in G.S. 153A-133, G.S. 153A-123 and G.S. 14-4.

(Ord. of 8-15-94, § 1)

Sec. 12-32. Loud, disturbing and unnecessary noise.

(a) Subject to the provisions of this section, the creation of any unreasonably loud, disturbing and unnecessary noise in the unincorporated areas of the county is prohibited. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) The use of loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sounds; and the sounding of such device for an unnecessary and unreasonable period of time.
- (3) The playing of any radio, phonograph or other musical instrument in such manner or

with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type residence.

- (4) The keeping of any animal which, by causing frequent or loud continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(Ord. of 8-15-94, § 2)

Sec. 12-33. Creating a public disturbance.

(a) The gathering of any group on the sidewalks, streets or public places in the unincorporated areas of the county for the purpose of creating, or which creates mechanical, vocal or other sound which is of such intensity or nature as to interfere with the rights of peaceful occupancy by property owners in adjoining areas, is unlawful. Any individual who participates in, leads, directs or encourages such actions shall be guilty of violating this section.

(b) Nothing in this section shall prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.

(Ord. of 8-15-94, § 3)

Sec. 12-34. Operation of a device for reproducing sound.

(a) No person shall play, use or operate, or permit to be played, used or operated any radio, tape recorder, cassette player or other machine or device for reproducing sound, if it is located in or on any public property, including any public street, highway, building, sidewalk, park, thoroughfare or public or private parking lot, or any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot or park; and if at the same time the sound generated is audible at a distance of 30 feet from the radio, tape recorder, cassette player or other machine or device that is producing the sound.

(b) Possession by a person of any radio, tape recorder, cassette player or other machine or device for reproducing sound as enumerated in subsection (a) of this section, shall be prima facie evidence that such person operates, or those persons operate, the radio, tape recorder, cassette player or other machine or device for reproducing sound.
(Ord. of 8-15-94, § 4)

Sec. 12-35. Enforcement of article.

(a) *Criminal penalty.* Any person violating this article shall be guilty of a misdemeanor punishable in accordance with section 1-7.

(b) *Civil penalty.* Any person who is found in violation of this article shall be subject to a civil penalty not to exceed \$500.00 as provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.
(Ord. of 8-15-94, § 5)